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APR 30 2004

In re Application of
Dally, et al.
Application No. 10/673,912
Filed: September 29, 2003
Attorney Docket No. 2390.1001-012
For: METHODS AND APPARATUS FOR
EVENT-DRIVEN ROUTING

OFFICE OF PETITIONS

DECISION ON
PETITION

This is a decision on the petition filed March 11, 2004 (certificate of mailing date March 8, 2004) requesting that Figures 12 and 13 be accorded a filing date of September 29, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on September 29, 2003. On January 9, 2004, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application" (Notice) informing petitioners, *inter alia*, that Figures 12 and 13, as described in the specification, appeared to have been omitted.

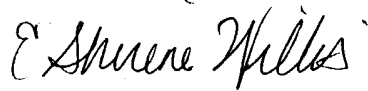
Petitioners request that Figures 12 and 13 be accorded a filing date of September 29, 2003 on the basis that 10 sheets of drawing figures, including Figures 12 and 13, were received in the Patent and Trademark Office (PTO) on September 29, 2003. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing September 29, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 10 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 10 sheets of drawing figures were filed on September 29, 2003. MPEP 503. A review of the application file reveals that there are only 9 sheets of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. Pursuant to petitioners' authorization, the \$130.00 petition fee submitted on March 11, 2004 (certificate of mailing date March 8, 2004) will be credited to deposit account no. 08-0380.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **September 29, 2003**, using the copy of Figures 12 and 13 submitted with the instant petition. Office records will be corrected to show that 10 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, reading "E. Shirene Willis". The signature is written in dark ink and is positioned above the printed name.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions